



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/732,591	12/08/2000	Charles Kurt Artinger	17996-2	2809
7590	04/08/2004		EXAMINER	
John S. Beulick Armstrong Teasdale LLP One Metropolitan Square, Suite 2600 St. Louis, MO 63102-2740			CHEUNG, MARY DA ZHI WANG	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 04/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/732,591

Applicant(s)

ARTINGER, CHARLES KURT

Examiner

Mary Cheung

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-22,24-39 and 41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-22,24-39 and 41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Status of the Claims***

1. This action is in response to the amendment filed on December 11, 2003. Claims 1-2, 5-22, 24-39 and 41 are pending. Claims 1, 5, 21, 24 and 29 have been amended. Claims 3-4, 23 and 40 have been canceled.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-2, 5-22, 24-39 and 41 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 5-22, 24-39 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borghesi et al., U. S. Patent 5,950,169 in view of Frankel et al., U. S. Patent 6,449,611 in further view of Burchetta et al., U. S. Patent 6,330,551.

As to claim 1, Borghesi teaches a method for replacing insured item of an insured user using a web-based system including a server and at least one device connected to the server via a network, said method comprising the steps of (column 5 line 51 – column 6 line 5 and column 14 lines 37-42 and Fig. 3):

- a) Receiving at the server specification information about the item to be replaced via the device (column 5 lines 8-11 and column 7 lines 54-65 and column 9 line 57 – column 10 line 5);
- b) Comparing the received item specification information with information pre-stored within the server (column 19 lines 22-35 and Fig. 23);
- c) Selecting at least one product which matches the received item specification information (column 19 lines 22-35 and Fig. 23).

Borghesi does not specifically teach downloading information related to the product; displaying the downloaded information via the device. However, Frankel teaches downloading various information to a computer through internet and displaying the downloaded information via the device (column 4 line 66 – column 5 line 10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the teachings of Borghesi to include the feature of downloading information related to the product and displaying the downloaded information so that the user can quickly and easily to obtain the desired information.

Borghesi modified by Frankel does not specifically teach promoting the insured user to select at least one replacement item from the downloaded information. However, this matter is taught by Burchetta as promoting the claimant to select one of the settlement offers (column 7 line 47 – column 8 line 52). It would have been obvious to one of ordinary skill in the art at the time the invention was made the teachings of Borghesi modified by Frankel to include the feature of allowing the insured user to

Art Unit: 3621

interact for selecting one of the settlement offers so that the insured user would be pleased with the outcome.

As to claim 2, Borghesi teaches submitting selection information to at least one of an authorizing agent, a manufacturer, and a distributor; and tracking shipping of the product (column 19 lines 22-52 and Figs. 23-24).

As to claim 5, Borghesi teaches receiving specific information input into a multi-query search engine by at least one of a user, a system administrator, a manufacturer, a distributor, and an authorizing agent (Figs. 6-7).

As to claim 6 and 11, Borghesi teaches receiving specification information about the insured item (Fig. 9 lines 57-67). Borghesi does not specifically teach the insured items include jewelry, and the received specification information about the item comprising metal information for the jewelry to be replaced. Frankel teaches the insured item include jewelry, and receiving specification information about the item comprising physical description and the like about the jewelry to be replaced (column 6 line 2-40 and Fig. 7). Frankel does not specifically state the physical description and the like about the jewelry to be replaced including metal information and gem clarity information. It would have been obvious to one of ordinary skill in the art to allow the description information of the jewelry to include metal information and gem clarity information because this would allow the people to quickly identify the jewelry if it is found, and it would also allow the insurance company or others to quickly evaluate the value of the jewelry. Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the insured item of Borghesi to

Art Unit: 3621

include jewelry because this would expand the usage environment of Borghesi, and attract more users to use the method.

As to claims 7-10 and 13, Borghesi teaches receiving specification information about the insured item (Fig. 9 lines 57-67). Borghesi does not specifically teach the insured items include jewelry, and receiving gem stone shape information, total weight information, color information, primary and second stone information, and general purpose information for the jewelry to be replaced. However, Frankel teaches these matters (column 6 line 2-50 and Fig. 7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the insured item of Borghesi to include jewelry, and to further allow receiving the description information about the jewelry because these would expand the usage environment of Borghesi, and attract more users to use the method for quickly finding the desired information related to the lost item.

As to claim 12, Borghesi teaches receiving accessory information for the item to be replaced (column 9 lines 57-67).

As to claim 14, Borghesi teaches the step of receiving product specification information comprises the step of providing a retail price (column 5 lines 6-15).

As to claim 15, Borghesi teaches the step of comparing the received product specification information comprises the step of determining whether the item includes any accessories (column 5 lines 6-15 and column 9 lines 57-67).

Art Unit: 3621

As to claim 16, Borghesi modified by Frankel teaches downloading information related to the product comprises downloading features for the product (see claim 1 above).

As to claim 17, Borghesi teaches guiding the user to a compatible product (column 14 line 37 – column 15 line 7).

As to claim 18, Borghesi teaches displaying the photographs of the damaged product (column 6 lines 52-67). Borghesi does not explicitly teach displaying the photographs of compatible products. It would have been obvious to one of ordinary skill in the art to allow the teachings for Borghesi to include the feature of displaying the photographs of compatible products because this would provide visualized images of the compatible products to the user so that the user can better determine whether to use the compatible products.

As to claim 19, Borghesi teaches receiving a user selection representing a compatible product (column 14 line 37 – column 15 line 7).

As to claim 20, Borghesi modified by Frankel teaches receiving specification information about the item from an authorized agent (Borghesi: Figs. 3, 23); comparing the receiving item specification information from the authorizing agent with pre-stored information (Borghesi: Figs. 3, 23) using the received item specification information to download information related to products which match the received item specification information (see claim 1).

As to claim 21, Borghesi teaches a system for facilitating selection of an item to replace an insured item of the insured user, said system comprising: a device; and a

Art Unit: 3621

server connected to said device and configured to receive specification information data about the item via said device, the information including at least one of a feature of the item and an accessory of the item, said server further configured to identify stored product information data that matches item information data entered into the server (column 5 line 8-11, 51 – column 6 line 5 and column 7 lines 57-67 and column 14 lines 37-42 and column 19 lines 22-35 and Figs. 3, 23).

Borghesi does not specifically teach the insured item is a jewelry item. However, Frankel teaches the insured item includes a jewelry item. and receiving specification information about the item comprising physical description and the like about the jewelry to be replaced (column 6 line 2-40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the insured item of Borghesi to include a jewelry item because this would expand the usage environment of Borghesi, and attract more users to use the system.

Borghesi does not specifically teach downloading product information to the user. However, Frankel teaches downloading various information to a user (column 4 line 66 – column 5 line 10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the teachings of Borghesi to include the feature of downloading product information to the user so that the user can quickly and easily to obtain the desired information.

Borghesi modified by Frankel does not specifically teach enabling the insured user to select a replacement item from the downloaded product information. However, this matter is taught by Burchetta as promoting the claimant to select a settlement offer



Art Unit: 3621

(column 7 line 47 – column 8 line 52). It would have been obvious to one of ordinary skill in the art at the time the invention was made the teachings of Borghesi modified by Frankel to include the feature of allowing the insured user to interact for selecting a settlement offer so that the insured user would be pleased with the outcome.

As to claim 22, Borghesi teaches select at least one item from the stored information data which matches the item identification data entered by at least one of a user, a system administrator, a manufacturer, and a distributor, and an authorizing agent (column 19 lines 22-52 and Figs. 6-7, 23-24).

As to claim 24, Borghesi teaches at least one item is available for purchased by the user (column 12 lines 22-35 and Fig. 23).

As to claim 25, Borghesi teaches selecting at least one item to replacing the an insured item subject to a insurance claim (Figs. 1, 7, 9).

As to claim 26, Borghesi teaches submitting stored item information data to at least one of an authorizing agent, a manufacturer, and a distributor (column 19 lines 22-52 and Figs. 23-24).

As to claim 27, Borghesi teaches tracking shipping of the product (column 19 lines 22-52 and Figs. 23-24).

As to claim 28, Borghesi teaches executing a multi-query search to identify stored product information data that matches the item information data entered by the user (column 9 line 57 – column 10 line 5 and Figs. 23-24).

Claims 29-37 are rejected for the similar reasons as claims 6-11 and 13.

Art Unit: 3621

As to claim 38, Borghesi teaches guiding the user to a product (column 14 line 37 – column 15 line 7).

As to claim 39, Borghesi teaches displaying the photographs of the damaged product (column 6 lines 52-67). Borghesi does not explicitly teach displaying the photographs of compatible products. It would have been obvious to one of ordinary skill in the art to allow the teachings for Borghesi to include the feature of displaying the photographs of compatible products because this would provide visualized images of the compatible products to the user so that the user can better determine whether to use the compatible products.

As to claim 41, Borghesi teaches the item specification information data is supplied to said server from at least one of an authorizing agent, a user, a manufacturer, a distributor, and a system administrator (Fig. 3).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Spurgeon (U. S. Patent 5,890,129) discloses an information-exchange system is provided for controlling the exchange of business and clinical information between an insurer and multiple health care providers.

Jernberg (U. S. Patent 6,336,096) discloses evaluating liability.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

„Art Unit: 3621

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 3621

***Inquire***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (703)-305-0084. The examiner can normally be reached on Monday – Thursday from 8:00 AM to 5:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

The fax phone number for the organization where this application or proceedings is assigned are as follows:

(703) 872-9306      (Official Communications; including After Final  
Communications labeled "BOX AF")

(703) 746-5619      (Draft Communications)

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, 7<sup>th</sup> Floor Receptionist.

Mary Cheung  
Patent Examiner  
Art Unit 3621  
April 2, 2004



JAMES P. TRAMMELL  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600